

## **REMARKS**

Claims 1, 8 and 25 have been amended. No claims have been canceled and no new claims have been added. No new matter has been added. Claims 1-25 are pending.

### ***Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel***

Claims 1, 8 and 25 have been amended, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1, 8 and 25 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

The claims of this application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this application, except for arguments specifically directed to the claim.

### ***Claim Rejections - 35 USC § 102***

The Examiner rejected claims 1-7, 14, 16, 18, 21 and 25 under 35 USC § 102(b) as anticipated by Chin (US 5,617,421). This rejection is respectfully traversed.

#### **Claim 1**

To anticipate a claim, the reference must teach each and every element of the claim. MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. [ . . . ] The identical invention must be shown in as complete detail as is contained in the ... claim.

Claim 1 is patentable over Chin as Chin does not disclose, either expressly or inherently, each and every limitation recited in claim 1. Independent claim 1 recites at least one limitation not disclosed, either expressly or inherently, by Chin.

Claim 1, as amended, recites, “transferring said data item from said source to said selected destinations based on said routing control values, wherein said data item is **concurrently transferred** from said source to said selected destinations based on said routing control values”. (emphasis added). The Office action asserts that this limitation is taught by Chin at col. 18, lines 20-22. However, claim 1 is patentable over Chin as Chin does not disclose this limitation.

Chin is directed to managing packets that pass through a segmented computer network comprising multiple switching circuits. Chin discloses that the segmented computer network can be configured as a set of virtual network domains. While certain data may pass through a single virtual network domain, there are instances where the data passes through multiple virtual network domains. Chin discloses propagating and using a forwarding table containing information to forward the data through the virtual network domains of the segmented computer network. Since data is forwarded to endpoints which may not exist on the same virtual network domain, Chin additionally discloses adding header information in order to forward the data to endpoints which do not reside on the same virtual network domain as the source endpoint. (Chin, col. 16, lines 43-46).

As such, while Chin discloses using a forwarding table to aid in routing the packets through the segmented networks, Chin does not disclose “wherein said data item is **concurrently** transferred from said source to said selected destinations based on said routing control values”. Instead, Chin discloses performing a look-up in a forwarding table, and then creating a header to identify where the destination endpoint resides. That is, Chin does not disclose “**concurrently**” forwarding the packets to the destination endpoints. The network architecture of Chin is designed such that it appears that the packets have to be forwarded through the segmented network in a sequential manner. This is because in Chin, a look-up is first performed to determine where on the segmented network, and on which virtual network domain, the destination endpoint resides. In Chin, as packets pass through virtual network domains which have not yet been identified in the forwarding table, Chin teaches

performing further processing in order to determine where the destination endpoint resides. (Chin, col. 8, lines 28-46). Therefore, the forwarding of the packets in Chin appears sequential since the network of Chin comprises multiple virtual network domains and the packet may need additional processing information as it passes through the intermediate virtual network domains to reach the destination endpoint. Accordingly, Chin does not disclose transferring the data from a source endpoint to all of the destination endpoints “**concurrently**” as claimed.

Because in Chin the packet may need additional processing as it passes through the intermediate virtual network domains to reach the destination endpoint, Chin does not disclose, either expressly or inherently, “wherein said data item is **concurrently** transferred from said source to said selected destinations based on said routing control values” as claimed in claim 1.

Therefore, as Chin does not disclose, either expressly or inherently, all of the limitations recited in claim 1, claim 1 is patentable over Chin. Accordingly, it is respectfully requested, that the rejection of claim 1 be withdrawn.

#### Independent claim 14

Independent claim 14 recites at least one limitation not disclosed, either expressly or inherently, by Chin. Claim 14 recites, “said selected output queue control modules used **for copying said data to said plurality of selected output queues**”. (emphasis added). The Office action asserts that this limitation is taught by Chin. However, claim 14 is patentable over Chin as Chin does not disclose this limitation.

As argued above regarding claim 1, Chin discloses using a forwarding table to forward data through the segmented network. However, *forwarding* data to a destination endpoint, as disclosed in Chin, is not the same as “*copying* said data to said *plurality of selected output queues*” as recited in claim 14. Chin nowhere discloses, either expressly or inherently, “copying data” to “output queues”.

Chin only discloses methods for *forwarding* data through the segmented computer network. As such, Chin does not disclose, either expressly or inherently, the limitation, “said selected output queue control modules used **for copying said data to said plurality of selected output queues**”.

Therefore, as Chin does not disclose, either expressly or inherently, all of the limitations recited in claim 14, claim 14 is patentable over Chin. Accordingly, it is respectfully requested, that the rejection of claim 14 be withdrawn.

Independent claim 25

To the extent that independent claim 25 includes similar limitations to claim 1, namely the “concurrently transferred” limitation, claim 25 is patentable over Chin for the same reasons claim 1 is patentable over Chin. Accordingly, it is respectfully requested, that the rejection of claim 25 be withdrawn.

Claims 2-7, 16, 18, 21

At least by virtue of their dependency on claims 1 and 14, claims 2-7, 16, 18, and 21 are also patentable over Chin. Accordingly, it is respectfully requested that the rejection of claims 2-7, 16, 18, and 21 be withdrawn.

***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 8-13, 15, 22-24 under 35 USC § 103(a) as being unpatentable over Chin in view of Nolan (US 6,661,790). This rejection is respectfully traversed.

Claim 8

Claim 8, as amended, recites, among other limitations, “transferring a reference to said frame to at least two selected output queue controllers in accordance with said mask, wherein the reference to said frame is concurrently **transferred to at least two** selected output queue controllers in accordance with said mask”. (emphasis added). The Office action asserts that this limitation is taught by Nolan at col. 3, lines 22-27. However, claim 8 is patentable over Chin in view of Nolan as Chin and Nolan do not teach or suggest this limitation.

Nolan teaches a network configured as a ring architecture in which packets can be forwarded to the subsequent device in the ring. (Nolan, abstract). Nolan further teaches that before a packet is placed on the ring, the packet is modified to include a “masking field” to identify where the packet must be sent. (Nolan, abstract). Nolan discloses that each device or chip may have numerous ports.

Nolan discloses that each port comprises buffer space which can be used to aid in receiving and transmitting the packets through the ring architecture. (Nolan, col. 3, lines 22-27).

As such, while Nolan teaches using buffer space and a masking field to aid in transferring the packet through the ring architecture, Nolan does not teach or suggest “wherein the reference to said frame is concurrently **transferred** to **at least two** selected output queue controllers in accordance with said mask.” Instead, Nolan teaches that packets can be forwarded to the next subsequent chip or device on the ring. Forwarding the packets to one chip or device on the ring is not the same as the reference being “concurrently transferred” to “at least two” output queue controllers. As such, Nolan does not disclose, teach or suggest, “wherein the reference to said frame is concurrently **transferred** to **at least two** selected output queue controllers in accordance with said mask” as recited in claim 8.

Therefore, as Chin and Nolan do not disclose, teach or suggest all of the limitations recited in claim 8, claim 8 is patentable over Chin and Nolan. Accordingly, it is respectfully requested, that the rejection of claim 8 be withdrawn.

#### Independent claim 22

To the extent that independent claim 22 includes similar limitations to claim 8, namely the limitation of “transferring said frame” “to a plurality of selected output ports of said plurality of output ports”, claim 22 is patentable over Chin in view of Nolan for the same reasons claim 8 is patentable over Chin in view of Nolan. Accordingly, it is respectfully requested, that the rejection of claim 22 be withdrawn.

#### Claims 9-13, 15, 23-24

At least by virtue of their dependency on claims 8 and 22, claims 9-13, 15, and 23-24 are also patentable over Chin in view of Nolan. Accordingly, it is respectfully requested that the rejection of claims 9-13, 15, and 23-24 be withdrawn.

### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claim 17 under 35 USC § 103(a) as being unpatentable over Chin in view of RFC 1349. This rejection is respectfully traversed.

Claim 17 depends on claim 14 and thus inherits the limitations of claim 14. Specifically, claim 17 inherits from claim 14 the limitation, "said selected output queue control modules used for copying said data to said plurality of selected output queues". As stated above regarding claim 14, Chin does not disclose, teach or suggest this limitation. In addition, RFC 1349 does not cure this deficiency. As such, because Chin and RFC 1349 do not teach or suggest the limitation that claim 17 inherits from claim 14, claim 17 is patentable over Chin and RFC 1349. As such, it is respectfully requested, that the 103 rejection of claim 17 should be withdrawn.

### ***Claim Rejections - 35 USC § 103***

The Examiner rejected claims 19 and 20 under 35 USC § 103(a) as being unpatentable over Chin in view of Flanders (US 6,172,980). This rejection is respectfully traversed.

Claims 19 and 20 depend on claim 18 which depends on claim 14. As such, claims 19 and 20 inherit the limitations of claim 14. Specifically, claims 19 and 20 inherit from claim 14 the limitation, "said selected output queue control modules used for copying said data to said plurality of selected output queues". As stated above regarding claim 14, Chin does not disclose, teach or suggest this limitation. In addition, Flanders does not cure this deficiency. As such, because Chin and Flanders do not teach or suggest the limitation that claims 19 and 20 inherit from claim 14, claims 19 and 20 are patentable over Chin and Flanders. As such, it is respectfully requested, that the 103 rejection of claims 19 and 20 should be withdrawn.

### ***Conclusion***

It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

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The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,



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